IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 33339 of 2006(R)

PETITIONER:

RAJAN, AGED 48 YEARS,
S/O.NARAYANAN, THATTAMPARAMBIL HOUSE,
KAINOOR P.O., THRISSUR DISTRICT,
(CON.NO.5258 OF ELECTRICAL SECTION, PUTHUR).

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. THE ASST.ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
PUTHUR, THRISSUR DISTRICT.

2. THE ASST.EXECUTIVE ENGINEER,
ELECTRICAL SECTION, KERALA STATE ELECTRICITY
BOARD, OLLUR, THRISSUR DISTRICT.

ADDL.R3. THE DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE,
KERALA STATE ELECTRCITY BOARD,
THRISSUR DISTRICT

(ADDITIONAL R3 IMPLEADED VIDE JUDGMENT DATED 15/12/2006.)

BY SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO. 33339 OF 2006

Dated this the 15th day of December, 2006

J U D G M E N T

Petitioner is a consumer of electricity whose premises of his unit was inspected by the APTS and the meter was removed and it was found that he is indulged in theft of electricity and also tampering of the meter. Exhibit P1 is the mahazar. Subsequently petitioner was served with Exhibit P2 letter along with Exhibits P3 and P4 bills.

2. Petitioner contended that he is entitled to reconnection as the alleged act of removal of the meter is illegal as they have not complied with the mandatory provisions contained in Sections 56 and 126 of the Electricity Act, 2003. However he has already preferred an appeal. He prays for appropriate orders to be passed directing the appellate authority to consider his appeal and dispose the same in accordance with law.

3. Learned standing counsel appearing on behalf of the Electricity Board on the other hand would contend that what is attracted in the present case is Section 50 of the Electricity Act read with Regulation 25(I)(i) of the code, which clearly permit

disconnection of the supply in the factual situation. He also submits that the appeal presented to the Assistant Executive Engineer is not proper since he is not the appellate authority in this connection. He also draw my attention to SRO 250/2005 issued by the Government under Section 127 of the Electricity Act, whereby the Deputy Chief Engineer of the Electricity concerned has been described as the appellate authority.

4. In such circumstances, after hearing both sides, following direction is issued.

If the petitioner prefers an appeal before the Deputy Chief Engineer of the Electrical circle concerned, within a period of two weeks from today after remitting the full amount of Exhibit P3 and also remits 1/3rd amount under Exhibit P4 and produce proof of the same along with the appeal, the appellate authority will consider and dispose of the same in accordance with law.

5. Even though the Deputy Chief Engineer is not made a party to this proceedings, he is suo motu impleaded for the purpose of issuing directions to dispose of the same as above.

6. In case the above amount is paid, the supply shall be restored forthwith by the first respondent.

Writ petition is disposed of as above.

Issue carbon copy.

P.R.RAMAN, JUDGE

Rp